

JAN. 16. 2003

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**DATE:** January 16, 2003

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1. Assistant Commissioner of Patents Attn: Amy M. Decloux	USPTO	(703) 746-4982	

**FROM:** Brenda Herschbach Jarrell, Ph.D.

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**REMARKS:**

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ATTORNEY DOCKET NO.: 0210971-0014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Edge Examiner: Decloux, Amy M  
Serial No.: 09/624,885 Art Unit: 1644  
Filing Date: July 24, 2000  
Title: MUSCLE CELLS AND THEIR USE IN CARDIAC REPAIR

Assistant Commissioner of Patents  
Washington, DC 20231

Sir:

**RESPONSE UNDER 37 CFR § 1.111**

Applicant thanks the Examiner and her Supervisor, Patrick Nolan, for participating in an interview today, January 15, 2003 in which we discussed the remaining issues in this case, and in particular discussed differences between the inventive compositions and those described by Allen. The present Response introduces claim language discussed in that interview, and obviates all rejections outstanding in the Office Action mailed December 19, 2002.

**Amendment**

Please cancel all claims pending in the case, and replace them with the following new claims:

- 1  
~~43~~. A composition comprising:  
isolated skeletal myoblasts; and  
isolated fibroblast cells,  
the composition being substantially free of myotubes.
- C1  
2  
~~44~~. The composition of claim <sup>1</sup>~~43~~, which composition comprises at least 5% fibroblasts.
- 3  
~~45~~. The composition of claim <sup>1</sup>~~43~~ or claim <sup>2</sup>~~44~~, comprising:

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2